

REMARKS

This application has been reviewed in light of the Office Action dated April 11, 2008. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are presented for examination, with Claims 1 and 13 being in independent form. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 1, 7, 13, 19 and 21 have been objected to because of the use of the abbreviation "P2P." Claims 1, 12, 13, 21 and 24 stand objected to because of alleged informalities. Particularly, the Office Action states that the amendments "a [[the]]", "[[the]] a", "[[11]] 10" and "[[24]] 22" do not follow standard format.

Claims 1, 7, 13, 19 and 21 have been amended to use non-abbreviated form of P2P. Applicants also refer the Examiner to their February 13, 2008 Amendment which amends the claims, in part, as follows: "a [[the]]", "[[the]] a", "[[11]] 10" and "[[24]] 22". Applicants presume that the due to a technical issue, the underlining in the Amendment could not be viewed by the Examiner. Applicants based their Amendment format in accordance with 37 CFR 1.121 which provides "[t]he text of any added subject matter must be shown by underlining the added text....[t]he text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters."

Accordingly, Applicants submit that the claims are in conformance and respectfully request withdrawal of these objections. Should issues remain following a careful reconsideration of the above-discussed objections, the courtesy of a telephone

interview to provide clarification concerning those issues and discuss possible claim language to address the issues is respectfully requested.

Claims 1, 7, 13 and 19 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis for the terms “the payment” (claims 1 and 13) , “a native format” (claims 7 and 19), and “the transmitting” (claim 13). Applicants have carefully reviewed the last amendment and respectfully submit that all of these terms have antecedent basis. Applicants further respectfully submit that Claims 1, 7, 13 and 19, when read (as the law requires that they be read) in light of the specification, are sufficiently clear such that one of ordinary skill in the relevant art would understand with the legally-required degree of certainty the scope of these claims.

With respect to claim 13, no term “the transmitting” has been found in that claim. Instead Claim 13 recites “then transmitting.” Applicants have amended the phrase “then transmitting” to “transmitting” thereby rendering this rejection moot.

It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

Should issues remain following a careful reconsideration of the Applicants responses to the Section 112 rejections, the courtesy of a telephone interview to provide clarification concerning those issues and discuss possible claim language to address the issues is respectfully requested.

The Office Action states that Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 (*Lawlor et al.*), in view of U.S. Patent No. 4,864,497 (*Lowry et al.*), and further in view of U.S. Patent No. 4,321,672 (*Braun et al.*). Applicants submit that independent

Claims 1 and 13, together with the remaining claims dependent thereon, are patentably distinct from the prior art for at least the following reasons.

One feature of Claim 1 is a server constructed to “receive a payment request from a payor computing device ...the payment request being associated with a transaction between the payor and a payee.” Claim 1 further provides the ability to “receive [and] translate the payment request into a native format of an automated teller machine control server, and transmit the payment request to the automated teller machine control server, the automated teller machine control server being operative to generate payment instructions and a personal identification number code and transmit the payment instructions and the personal identification number code to an automated teller machine, to enable the automated teller machine to dispense the payment to the payee upon receipt of the personal identification number code by the payee in satisfaction of the transaction.” By virtue of these features a payor and payee who enter a transaction can do so without the payor having currency on hand and without the payee having a point of sale device. Other common forms of payment, such as checks, are not necessary either. Instead, a payor’s account is debited and the payee is paid in satisfaction of the transaction upon the payee following instructions and using the correct personal identification number code at an automated teller machine.

Lawlor et al. is understood to allow banking institutions to interface with other financial institutions through the existing conventional ATM interchange switch, where “bank B generates, in response to the user’s request via the ATM message specifying the user’s PIN . . . , the user’s account number, the user’s bank and the amount to be withdrawn,” *See Lawlor et al.* Col. 18, lines 19-50; Col. 21. lines 22-27 (emphasis

added). Thus, the system of *Lawlor et al.* communicates whether one ATM is authorized to pay by validating messages and checking for sufficient account balances before it dispenses the funds from the user's account. Nothing has been found in *Lawlor* which even remotely resembles a system where a transaction is satisfied by a payor authorizing payment which can be paid via an automated teller machine to a payee having prearranged instructions and using a PIN in satisfaction of the transaction. Particularly, nothing has been found in *Lawlor et al.* which would teach, suggest or otherwise result in a system which can "receive," "debit," "translate," and "transmit," as recited in Claim 1.

Furthermore, nothing has been found by Applicants in *Lowry et al.* or *Braun et al.* that would remedy the deficiencies of *Lawlor et al.* as applied against the independent claims herein.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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